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C O N F I D E N T I A L SECTION 01 OF 08 TASHKENT 000552

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SUBJECT: HUMAN RIGHTS IN UZBEKISTAN: THE CASE AGAINST
SANCTIONS

REF: TASHKENT 531

Classified By: POLOFF R. FITZMAURICE FOR REASONS 1.4 (B, D)

[¶1.](#) (C) Ambassador's introduction: The U.S. faces a decision in June on possible sanctions against Uzbekistan given ongoing concerns about the government's poor performance on human rights. Reftel cites upcoming leadership transition issues as a key factor in this decision, arguing that now is the time for engagement, not isolation. In the cable below, we evaluate sanctions in terms of their potential impact on the human rights dimension of U.S. policy in Uzbekistan. End introduction.

[¶2.](#) (C) Summary: European Union foreign ministers agreed on April 29 to keep a visa ban against selected Uzbek officials suspended for another six months in light of the Uzbek government's continued progress on human rights. Looking ahead to the United States' own determination on whether to impose a similar visa ban against selected officials in June, it is appropriate for us to examine the current state of Uzbek-U.S. relations and the likely impact U.S. sanctions would have on human rights and on the recent warming trend in relations. Since the New Year, we have seen not only increased engagement in security cooperation, but also some rare progress on human rights, including the release of political prisoners. However, despite this limited progress, some international organizations and local human rights activists have continued to call for Western countries to impose sanctions against Uzbekistan. Before any final determination on U.S. sanctions is made, we would like to strongly articulate our belief that imposing sanctions against the government will only hurt, not help, human rights in Uzbekistan. End summary.

EU EXTENDS VISA BAN WAIVER ANOTHER SIX MONTHS...

[¶3.](#) (U) European Union foreign ministers agreed on April 29 to keep a visa ban against eight selected Uzbek officials suspended for another six months in light of the Uzbek

government's continued progress on human rights. The EU's April 29 statement outlining its decision specifically cited the release by Uzbek authorities of four human rights activists (Saidjahon Zainabitdinov, Ikhtiyor Hamroev, Ulugbek Kattabekov, and Bobomurod Mavlanov) and the lifting of suspended sentences against two other activists (Gulbahor Turaeva and Umida Niyazova) in February; an agreement allowing the International Committee of the Red Cross to resume visits to Uzbek prisons; recent legislation abolishing the death penalty and transferring the power to issue arrest warrants from prosecutors to the judiciary (the "habeas corpus" law); and the ratification of two ILO conventions on the Worst Forms of Child Labor. The EU's visa ban was originally suspended in October 2007 for six months. An arms embargo remains in force. Those on the EU's visa ban list include Defense Minister Ruslan Mirzayev, National Security Service chief Rustam Inoyatov, and six other senior-ranking officials reportedly complicit in the 2005 Andijon events.

...BUT DECISION WILL BE REVIEWED AGAIN IN THREE MONTHS

14. (SBU) The April 29 statement also noted that the EU remains "seriously concerned about the situation of human rights and the rule of law in a number of areas in Uzbekistan," and that its decision to suspend the visa ban for another six months would be reviewed in three months. During a meeting at the Embassy on May 5, representatives from the French, German, Italian, and Czech Embassies noted that the three-month review would involve another meeting of

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EU foreign ministers. They also explained that the EU's benchmarks for the further suspension or ultimate lifting of sanctions against Uzbekistan have not changed.

ATTENTION NOW TURNS TOWARDS THE UNITED STATES

15. (SBU) The attention now turns to the United States, which faces a similar determination on whether to enact a visa ban against selected Uzbek officials in late June, based on legislation the President signed in December 2007. The visa ban is aimed at officials complicit in the 2005 Andijon events and those otherwise guilty of "gross human rights violations." The EU's three-month review would take place after the United States make its own determination on sanctions.

HUMAN RIGHTS WATCH CONTINUES TO CALL FOR SANCTIONS...

16. (SBU) Human Rights Watch continues to lead the charge of groups calling for the imposition of sanctions against Uzbekistan. In a recent press release, Human Rights Watch (HRW) called on the EU to reinstate the visa ban against Uzbekistan unless the government fulfills all of the EU's conditions, including releasing all political prisoners on a list submitted to the government by the EU in May 2007, granting international organizations access to prisoners, engaging effectively with the UN special rapporteurs on human rights, and allowing all NGOs to operate without constraints. Reuters reported on May 12 that at a press conference marking the release of a new report highlighting the continued persecution of Andijon refugees, HRW representative Anna Neistat was critical of the EU's decision to renew the visa ban waiver, saying that it sent the Uzbek government the message "that the EU and the West would rather strengthen economic ties than establish accountability" over the Andijon events.

...BUT SANCTIONS WILL HURT, NOT HELP, HUMAN RIGHTS IN UZBEKISTAN

17. (C) We believe Human Rights Watch's expectations are

unrealistic. The main message we need to get across to international human rights organizations like HRW is that having the EU or the United States implement sanctions against the Uzbek government at this point would go a long way to worsen, not improve, the human rights situation in Uzbekistan. If sanctions are imposed on the government, the government will respond by breaking off or severely restricting contact with the West again, and the release of political prisoners and other recent improvements will come to a screeching halt. In the last few years, Western Embassies have had little dialogue with the government, and the human rights situation gradually deteriorated.

¶8. (C) In 2008, though, the West has reengaged with the Uzbeks at a higher level than before, including recent visits by CENTCOM Commander Admiral William J. Fallon, Acting Deputy Assistant Secretary of State for South and Central Asia Pamela Spratlen, and delegations from the European Commission and various EU member states. Simultaneously, Western Embassies have seen the human rights improvements outlined in the EU's April 29 statement, as well as the following additional steps:

- the adoption of long-promised anti-trafficking-in-persons legislation that increases protections for victims and requires the government to provide them with assistance;
- the participation of a significant number of high-level

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government representatives at human rights-related conferences cosponsored by the Open Dialogue Project (ODP), a USAID-supported international NGO focused on torture prevention;

- the reopening of Human Rights Watch's office in Tashkent (Note: Authorities have not yet accredited HRW's new director in Tashkent, but so far they have not restricted his efforts to engage in human rights reporting and activities. End note.);
- the registration of a German NGO, the Freidrich Naumann Foundation, which has engaged in human rights work in other countries;
- the opening of Uzbek prisons for monitoring to not only the ICRC, but also to the Bukhara-based Medical-Legal Center NGO (whose work is supported by an Embassy Democracy Commission grant), as well as to representatives from the German Konrad Adenauer Foundation;

¶9. (C) We do not minimize ongoing setbacks on human rights under this repressive regime, including the harassment of human rights activists and religious minorities (see para 17). But we do continue to receive positive news on human rights and reengagement, in addition to the progress earlier this year which had prompted the EU to maintain suspension of its sanctions (para 3 above). For example, an attorney paid for by a human rights group was recently able to visit political prisoner Mamarajab Nazarov, the first time a lawyer had been granted access to a political prisoner in recent memory. The lawyer was also reportedly told by the prison director that Nazarov would be released early for good behavior at the end of July. Nazarov was included on lists of political prisoners to be considered for amnesty that both the United States and the European Union submitted to the government of Uzbekistan (septel). A Public Affairs FSN responsible for the Embassy's Democracy Commission Small Grants program was also recently told by several NGOs across Uzbekistan that they had been given the green light by local authorities to pursue cooperation with the Embassy. Furthermore, for the first time, the Embassy hosted an offsite conference for more than 80 U.S. government exchange program alumni on May 11 - 12 without any interference.

UZBEKISTAN MAKING PROGRESS ON UN TORTURE RECOMMENDATIONS

¶10. (SBU) In addition, it is important to note that the Uzbek government has made slow but steady progress on

addressing the recommendations from United Nations Special Rapporteur for Torture Van Boven's 2003 report. By our count, the government has already addressed 15 of the 22 points. In addition to adopting legislation abolishing the death penalty and on habeas corpus and opening penitentiary facilities to outside observers, the government has addressed several other recommendations, including:

- having the Minister of Internal Affairs Collegium (the body responsible for the Ministry's policies) denounce torture;
- amending the Criminal Code in 2005 to include the crime of torture and outlawing any act of psychological and physical pressure to obtain confessions;
- convicting law enforcement officers for committing torture (two were convicted in 2007);
- having the internal inspection departments and investigative units of the Ministry of Internal Affairs and National Security Service probe complaints of torture;
- decreeing in 2003 and again in 2004 that courts should not admit evidence extorted by torture or cruel, humiliating and degrading treatment;
- distributing leaflets, developed jointly by the Ministry of Internal Affairs and the American Bar Association, to defendants explaining their rights, and disseminating such

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information in radio interviews and other media;

- ensuring new law enforcement recruits receive basic training in human rights standards at the Ministry of Internal Affairs Academy and requiring that any officer nominated for promotion pass a test that includes international human rights standards;
- convening an interagency expert group, composed of the Ministry of Justice, the Ministry of Internal Affairs, the Prosecutor's General Office and the Human Rights Ombudsman, which has worked out draft plans to transfer oversight of Uzbekistan's penitentiary system from the Ministry of Internal Affairs to the Ministry of Justice.

The director of the Open Dialogue Project in Tashkent, which has worked closely with government officials to implement the recommendations, was optimistic that the government was moving forward on addressing the remaining recommendations.

ACTIVISTS EXPRESS MIXED VIEW OF SANCTIONS

11. (C) An especially important point to stress with international human rights groups, Members of Congress and others supporting sanctions is that many human rights defenders on the ground - including the members of the Rapid Reaction Group, Jizzakh-based activist Bakhtiyor Hamroev (whose son, Ikhtiyor was released in February), and ex-HRW staffer Umida Niyazova - have told us explicitly that they believe greater engagement by the international community is far more likely to produce positive results than sanctions and isolation. We have noticed that those calling on the U.S. and the EU to isolate the government are largely based outside of Uzbekistan, and therefore, do not have to live with the consequences of a sharp downturn in relations that sanctions are likely to bring about. This is a standard phenomenon seen with other former Soviet nationalities, where those who went into exile became far more militant than those who remained behind, even though it was the latter who bore the price. Activists within Uzbekistan know that their lives could become much more difficult if relations were to sour a second time. It also should be noted that some of the more prominent activists calling for sanctions from within Uzbekistan - including Vasilya Inoyatova of Ezgulik, Elena Urlyayeva of the Human Rights Alliance, and Nigara Khidoyatova - are all directly tied to opposition parties, and may have a partisan political agenda in calling for the increased isolation of the Karimov regime.

12. (C) There also appears to be a major division in views on sanctions between local human rights groups that simply

report on human rights abuses in the country, such as Surat Ikramov, and those that, in addition to reporting on abuses, also implement programs aimed at actually improving the human rights situation on the ground, such as the Rapid Reaction Group. For example, members of the Rapid Reaction Group have sought to establish cooperation with law enforcement bodies on reporting human rights abuses and monitoring prisons, and they also have conducted human rights trainings for professionals, including lawyers and doctors. Since the Rapid Reaction Group actually has run projects, they have developed a more realistic understanding on the need for and possibility of increased engagement with the government, especially during this "open window" period of modest human rights improvements. On the other hand, organizations like Ikramov's group provide an invaluable service in reporting on human rights abuses in the country, but they never have actually attempted to implement programs aimed at improving human rights in the country, and thus, they value engagement with the government much less.

¶13. (C) It is also worthwhile to consider that before the EU

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made its decision to prolong the visa ban waiver, most of the impetus for having the EU sanctions reinstated was coming from capitals lacking diplomatic representation in Uzbekistan, including Dublin, the Hague, and Stockholm. These governments were watching developments on the ground in Uzbekistan from afar and appeared to have most of their information about Uzbekistan filtered by human rights organizations like Amnesty International and HRW, which themselves lack much of a presence in Tashkent (Note: Amnesty has never had an office in Tashkent, while HRW's office in Tashkent was temporarily closed in July 2007 and reopened in February 2008. End note.) The other EU countries with Embassies in Tashkent, including the UK, Germany, France, and Italy, support lifting sanctions against Uzbekistan. Before the EU made its decision, the Finns, Danes, Dutch and Swedes sent delegations to Uzbekistan to speak to local human rights activists and government officials, and at least the Nordics appear to have come away firmly convinced that reinstating sanctions at this point would not be effective in promoting further human rights reform.

WE NEED TO EXPLOIT WHAT LITTLE LEVERAGE WE HAVE ON HUMAN RIGHTS

¶14. (C) We have little leverage over the Uzbeks on human rights issues except for promising further cooperation on other aspects of our relationship. The government does want a more normal relationship, in part to balance Russia's influence, in part to bolster bulwarks against Afghanistan spill-over. We must have realistic expectations - the Uzbeks are not going to release all political prisoners or make other improvements overnight. But through increased dialogue, we will hopefully see gradual improvements which, after a while, could very well add up to a substantial improvement. President Karimov sets the pace of change here. He will not be here forever. Meanwhile, greater engagement (including with him personally) potentially pushes the boundaries of what is possible right now, and also lays the groundwork for us to influence the succession phase when it happens (see reftel). Sanctions make this impossible and do not represent a viable strategy.

INCREASED COOPERATION ON SECURITY-RELATED ISSUES

¶15. (C) Since the New Year, bilateral security cooperation has intensified, and the Government of Uzbekistan has displayed interest in expanding cooperation into other security-related spheres such as counter-narcotics. The Government of Uzbekistan continues to facilitate Coalition operations in Afghanistan, and in late January approved the transit of the Uzbek-German airbase at Termez by U.S.

military and diplomatic personnel assigned to NATO and/or the International Security Assistance Forces in Afghanistan on a case by case basis. Senior Ministry of Internal Affairs and State Commission for Drug Control officials told DEA in April that they--and the National Security Service--would welcome the return of DEA to Uzbekistan. In a late March meeting with A/DAS Spratlen, Foreign Minister Norov expressed interest in further dialogue with the United States, particularly in the fields of counterterrorism, counterproliferation, and border security. The government has expressed its willingness to engage in periodic meetings with the Embassy to discuss security-related cooperation. Officials from Customs and the Ministry of Internal Affairs also continue to express a desire for increased cooperation with the U.S. on training programs for border security and law enforcement personnel.

NO TRADEOFF BETWEEN SECURITY AND HUMAN RIGHTS

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¶16. (C) We should not let international human rights groups like HRW posit the notion that there is a trade-off between security cooperation and human rights. Admiral Fallon's visit probably was a contributing factor in Karimov's decision to amnesty some of the human rights activists, and our insistence on his meeting with ICRC here, despite government misgivings, was clearly a major factor in the government's decision to agree on renewed prison visits. More engagement across the board - on security, Afghanistan, investment, student exchanges, etc. - is our best shot at making progress on human rights. "It didn't work before," HRW will say. Well, we did not really have a chance to find out - the 2005 Andijon events, following on the heels of the color revolutions in Georgia, Ukraine, and Kyrgyzstan, made the GOU increasingly wary of close cooperation with us, and made it nearly impossible for us to forestall the subsequent deterioration in human rights. However, enough time has now passed and we have an other opportunity to try again. The Uzbeks are signaling as much with the release of political prisoners, including Saidjahon Zaynabiddinov, who were convicted of politically-motivated charges shortly after the 2005 Andijon events. Hopefully, both sides are a little wiser now.

PLAN OF ACTION ON HUMAN RIGHTS IN UZBEKISTAN

¶17. (C) To be sure, we should not be satisfied solely with the release of political prisoners - these people should never have been arrested in the first place. We are therefore also taking or supporting steps that could have a long-term positive impact on addressing the severe shortcomings in human rights and rule of law in Uzbekistan, including:

- urging the government to release additional political prisoners, including those held for being religiously devout;
- encouraging the Uzbeks to allow the return of other NGOs (and accreditation for their expatriate staff);
- continuing to ensure that the government grants the ICRC unfettered access to Uzbekistan's prisons, including access to political prisoners;
- urging the government to implement the provisions of the ILO conventions it has adopted on child labor;
- bringing in experts to conduct trainings with law enforcement officials and judges on proper implementation of the "habeas corpus" law;
- urging the government to implement its own recently enacted anti-TIP legislation and to legislate stricter penalties for convicted traffickers;
- encouraging the government to address the remaining recommendations of the UN Special Rapporteur for Torture's report;
- supporting local human rights groups in the implementation

of innovative projects through our Democracy Grants commission, such as raising awareness of human rights issues through trainings conducted for medical personnel and teachers;

- supporting development projects like AgLinks that empower rural farmers by enhancing their access to local and regional markets, as we believe that such projects will do as much for democracy and human rights as anything else;
- engaging with the Religious Affairs Committee on loosening restrictions in Uzbekistan's strict religion laws and making them comport with the freedoms asserted in the Uzbek constitution;

We also plan to sit down soon with the Ministry of Foreign Affairs, which has accepted our invitation to discuss

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meaningful cooperation on human rights related-projects as a way of putting meat on the bones of President Karimov's extensive May 2 decree marking the 60th anniversary of the Universal Declaration of Human Rights.

ANDIJON

¶18. (C) Behind all the frustration voiced by human rights groups (and which we all share) about the absence of democratic reform and the ongoing abuse of human rights in Uzbekistan, one factor above all appears to be driving the renewed call for sanctions: a sense that failing to do so would amount to turning our backs on the innocent victims of the events of May 13, 2005 in Andijon. We fully agree that Andijon should not be forgotten, but the question is, how best to remember it - through an empty gesture, or through meaningful action?

¶19. (C) It is clear to us from the manner in which senior officials, including Karimov himself, have raised the issue with visiting dignitaries; from video material and reporting passed to us in other channels; and from the MFA's recent action in passing to the USG under diplomatic note two hardbound volumes summarizing their comments to EU investigators in 2006 and 2007, that the GOU wants to persuade us that its version of events is right. That version does have some merit: there were armed extremists, they did seize a prison and government buildings, they did take hostages, and they did kill government troops. What the GOU version leaves out is the fact that security forces at the very least panicked and over-reacted badly, killing hundreds of people. There is likely even more to the story than that. What the GOU, in passing materials on Andijon to us, has done is to open up the way to a dialogue on precisely what happened. We need to gain the trust of the Uzbeks and try to tease out the full story over time. Such a dialogue could eventually lead to greater accountability and even reconciliation. It has already sparked interest on the part of ICRC and OSCE in exploring with the GOU the idea of training security forces in crowd control measures so they have more options than to shoot or run away should an Andijon-like scenario emerge again.

¶20. (C) Rather than pursuing sanctions that would clam up this emerging dialogue and prospects for preventing another Andijon, we believe the proper course of action is to assure the human rights community that, far from being forgotten, Andijon is now a topic in our discussions with the GOU - a highly sensitive one, to be sure, but one in which objective historical analysis is the initial goal. In addition, since we did not adopt formal sanctions in 2005 after Andijon (though of course we did curtail U.S. assistance), observers will wonder what the point would be of adopting them three years later.

HUMAN RIGHTS WATCH SHOULD CALL FOR END OF SANCTIONS

¶21. (C) HRW will never do it, of course, but their biggest contribution to human rights in Uzbekistan right now would be to call for an end of sanctions, not their implementation. Though the threat of sanctions has partly been responsible for spurring the Uzbeks to make modest improvements to their human rights record, we believe that increased engagement also has played an important role and that the value of sanctions has been exhausted for the time being. Furthermore, actually implementing U.S. sanctions against the government would be taken as a personal insult by President Karimov and lead to another breakdown in relations, as we experienced during 2005-2007. Those who are likely to suffer

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the most from a breakdown in relations are human rights activists in Uzbekistan, as Western Embassies would lose whatever leverage we have now to protect such individuals. On the other hand, we have an opening now to press for closer relations with the government across a wide sphere of issues, including human rights, which we should not squander. We must set realistic expectations of what is actually achievable in the political sphere in the short and long terms, and not let our response be determined by artificial timelines or the well-intended calls of international non-governmental organizations.

NORLAND